



DATE:	January 27, 2015
APPROVED BY:	Russell D. Schaedlich, Secretary

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

January 27, 2015

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Vice Chair Morse called the meeting to order at 5:34 p.m.

ROLL CALL

The following members were present: Messrs. Brotzman, Martin (alt. for Troy), Morse, Schaedlich, Siegel, and Ms. Hausch and Ms. Pesec. Legal Counsel present was Assistant Prosecutor Gianine Germano. Planning and Community Development Staff present were Ms. Benton, Mr. Radachy and Ms. Truesdell.

Mr. Morse served as Chair in Mr. Zondag's absence.

Mr. Radachy introduced Ms. Rhea Benton, the CDBG Manager.

ELECTION OF OFFICERS FOR 2015

Ms. Pesec reported the results of the Nomination Committee consisting of Mr. Brotzman, Mr. Morse, and Ms. Pesec. Mr. Zondag was nominated for Chair, Mr. Morse was nominated for Vice Chair and Mr. Schaedlich was nominated for Secretary.

Mr. Morse asked if there were any nominations from the floor for Chair. There were none. Ms. Pesec moved and Mr. Brotzman seconded the motion to approve the nomination of Mr. Zondag for Chair.

All voted "Aye".

Mr. Morse asked if there were any nominations from the floor for Vice Chair. There were none. Ms. Hausch moved and Mr. Brotzman seconded the motion to approve the nomination of Mr. Morse for Vice Chair.

All voted "Aye".

Mr. Morse asked if there were any nominations from the floor for Secretary. There were none. Mr. Brotzman moved and Mr. Siegel seconded the motion to approve the nomination for Mr. Schaedlich for Secretary.

All voted "Aye".

2015 MEETING DATES AND TIMES

Mr. Radachy directed attention to the schedule of meeting times and dates for 2015. He said that the June meeting was moved from the last Tuesday of the month to the fourth Tuesday of the month. The December meeting should be December 29th but can be moved to December 22nd or December 15th.

Mr. Siegel moved and Mr. Brotzman seconded the motion to have the Planning Commission meeting December 15, 2015.

All voted "Aye".

Mr. Radachy said Land Use and Zoning will be December 10th.

MINUTES

Mr. Brotzman referred to page 7 under Subdivision Activity Report saying "the house" under Concord Ridge Phases 2 and 3 should be "YMCA Dream House".

Mr. Welch moved and Ms. Hausch seconded the motion to approve the December 16, 2014 meeting.

All voted "Aye".

FINANCIAL REPORTS

Mr. Radachy said that all employees received a cost-of-living raise this year. He informed the Commission that the support staff will have 40% of their pay coming from CDBG and 60% of their pay coming from the County's general fund. His pay would be charged to CDBG when he works in that capacity. Ms. Norman's income would be paid from 60% HOME funds and 40% CDBG funds. Ms. Benton's pay will continue to be from CDBG.

Mr. Siegel moved to accept the December 2014 Financial Report as submitted and Ms. Hausch seconded the motion.

All voted "Aye"

PUBLIC COMMENT

There were no public comments.

LEGAL REPORT

Ms. Germano said there were no legal issues to report.

DIRECTOR'S REPORT

Mr. Radachy said that the County Commissioners have authorized the addition of a Planner 1 staff member. Traditionally, the Director has been Secretary of the Planning Commission. But Mr. Radachy could not serve as Secretary since he has to review the subdivisions. He said he could not be reviewing the subdivisions and signing off on them at the same time. When the Planner 1 can do the subdivision review, the Director can take the position of Secretary.

Mr. Radachy referred to an article in the Tribune about the relocation of the Sheriff's office and jail to the north side of Erie Street. That would mean demolishing our building and the Ohio State Extension agency building. It was also proposed that the Commissioners may purchase the Senior Center building on the square and move us over there after renovations. They are still studying the issue and it may be 18-24 months before a decision is made.

The Northeast Ohio Planning and Zoning Workshop will be June 5th, possibly in Youngstown. The Workshop has been alternating between north and south locations every year. The Mahoning County Planning Director and Zoning Inspectors in the area are going to recruit speakers and create an agenda of topics. There will be a meeting February 6th at the Concord Community Center.

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

Concord Township – Concord Ridge Subdivision, Phase 4 Final Plat & Improvement Plans, 10 Lots, 12.1529 Acres

Mr. Radachy said Concord Ridge Phase 4 has 5.32 acres of open space located south of Summerwood and north of Stanford Springs and west of Concord-Hambden Road. The applicant is Richard Summers of Concord Ridge Development and the engineer is Polaris Engineering. They have created a second entrance into the Subdivision by connecting Meredith Lane to Stanford Springs. The temporary cul-de-sac on Stanford Springs will be removed. There is a stream with wetlands. He showed the original Preliminary Plan. One of the stipulations was that Meredith Lane must conform to the standards listed in Article 4. Staff had some questions about safety in the road layout. The Developer had Meredith Lane connect to a new street, Lilly Lane, which connects to Crossroads Drive. There could be a three-way stop which makes a safer intersection.

Proposed Final Plat Stipulations:

1. Sublot 74's building envelope does not meet with the wetland setbacks required by Lake County Subdivision regulations. Article VII Section 5(B)(1) and (2) require the first twenty feet adjacent to a wetland to be undisturbed and buildings and pavement to be located 35 feet from the wetland. *Article IV Section 7(A)(1), Article VII Section 5(B)(1) and (2)*
 - a. Watercourses with riparian setbacks shall be shown on the Final Plat per Section 16.25(G)(2) of the Concord Township Zoning Resolution. "A riparian buffer shall be provided for all

watercourses in Lake County, in accordance with the minimum setback standards established in the Lake County Subdivision Regulations." *Concord Twp. Trustees*

- b. Final Plat shall show all wetlands with their category as determined by the Ohio EPA and any setbacks required per Section 16.25(G)(1) of the Concord Township Zoning Resolution. "The wetlands that are determined by the Army Corps of Engineers or the Ohio EPA to be retained shall be protected by the minimum setbacks established by the Ohio EPA for Category 1, 2 and 3 wetlands." *Concord Twp. Trustees*
 - c. Sublot 74 is a subplot of concern given the proximity to the high water mark (Soil and Water Conservation District submitted "stream channel" vs. high water mark). As proposed on the improvement plans, the northwest corner of the lot boundary is less than 30 feet from the centerline of the high water mark, with the proposed house's northwest corner less than 55 feet from the high water mark. It is the District's recommendation that this subplot be reconfigured to assure proper distances from the high water mark in order to reduce the chances of significant property damage to the future home site; as well as protection towards the home site impacting the stream in a negative manner in the future. *LCSWCD*
2. Lands remaining in the name of Concord Ridge LLC (at the end of Lilly Lane) are too small to be a lot per zoning. *Article IV Section 7(A)(3)* Parcel or half streets are prohibited by the Lake County Subdivision Regulations. *Article IV Section 3(D)(2)*
 3. Blocks A, B and C are restricted on the Plat from further subdivision and are required to be maintained and preserved in their natural state in conformance with Section 13.24(C)(2) and 13.24(D) of the Concord Township Zoning Resolution. *Concord Twp. Trustees*
 4. Proposed driveway for Sublot 42 shall be restricted to Meredith Lane on the Plat. *Concord Twp. Trustees*
 5. The proposed 0.1430 acre remaining parcel (not part of the Subdivision) does not meet Township Zoning minimum lot requirements. Said parcel shall be deeded to the adjacent land owner **prior** to the approval of the Final Plat. The proposed 15 foot access easement through the remaining lands of 0.1430 acre shall be recorded by separate instrument. Proof of recording shall be provided to the Township. Plat shall be modified to show updated parcel information including the volume and page number for the recorded access easement. *Concord Twp. Trustees*
 6. Covenants or restrictions shall be amended to restrict activity within the riparian setback areas as regulated by the Lake County Subdivision Regulations per Section 16.25(G)(2). *Concord Twp. Trustees*
 7. Amended final forms of covenants or restrictions running with the land shall be provided to the Township for review per Section 16.29(C) of the Concord Township Zoning Resolution. *Concord Twp. Trustees*
 8. A notation for the record number assigned by the County Recorder for the covenants and restrictions should be provided for on the Plat. *Concord Twp. Trustees*
 9. Subject to detailed review prior to final approval. *L.C. Engineer*
 10. Plat shall make reference to a minimum of two Ohio State Plane Coordinates. *L. C. Engineer*

Proposed Final Plat Comments:

1. Open Space Block "C" is not as high quality environmentally as land that subplot 74 is located on. Is there a way to move subplot 74 to be with sublots 42 – 45? *Staff*

2. The developer submitted a copy of legal description and lot split plat. He is proposing to property line adjust the remaining lands to the adjacent property owner. *Staff*
3. Final approval of Phase IV and future phases shall be subject to approval and formal acceptance by the Township Trustees (signatures required). *Concord Twp. Trustees*
4. Open space block "C" is land locked. A 15 foot access easement has been granted on the Plat to the Concord Ridge Homeowner's Association through the rear yard of Sublot 42 and through the remaining 0.1430 acre parcel proposed to remain in the name of Concord Ridge Development, LLC and not part of this Subdivision. *Concord Twp. Trustees*

Proposed Improvement Plan Stipulations:

1. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three-year maintenance bond or surety when the subdivision goes into the maintenance phase. *Article V Section 8(D)*
2. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C
3. Until improvement plans for the subdivision are approved, properly endorsed and accepted, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
4. Lilly Lane is required to be extended to the property line. *Article IV Section 3(B)(2)*
5. Lilly Lane is required to have a temporary cul-de-sac installed. *Article IV Section 3(B)(8)*
6. Must end sanitary sewer at southern edge of subdivision line along Meredith Lane. Cannot extend into Stanford Springs Subdivision under this set of subdivision plans for Concord Ridge Subdivision, Phase 4. Sanitary sewer extension into Stanford Springs must be done under a separate set of plans. *L. C. Utilities*
7. Must extend sanitary sewer to eastern edge of subdivision line along Lilly Lane. *L. C. Utilities*
8. Improvement Plans are subject to detailed review prior to final approval. *L.C. Engineer*
9. Pavement Design shall be based on Soil Analysis and AASHTO design parameters and shall have a minimum asphalt thickness of 7 inches. *L. C. Engineer*
10. Stormwater Management shall conform to LC Standards and Stormwater Management Department Rules and Regulations. Storm water quantity and quality will be reviewed in detail as well as proper grading for the development *L. C. Engineer*

11. Final wetlands delineation shall be submitted to the Township for review to ensure compliance with any setbacks required by the Ohio EPA and wetland categorization confirmation per Section 16.25(G)(1). *Concord Twp. Trustees*
12. Fire hydrants may be spaced no further than 500 feet. A fire hydrant shall be placed at the entrance of all streets and cul-de-sacs. Streets longer than 800 feet to have a fire hydrant at the beginning of the street, midpoint of the street and at the end of the street. *Concord Twp. Fire Dept.*
13. Applicant needs to submit a plan review application and review fee to the Lake County SWCD for full and final plan review. *LCSWCD*
14. All preservation areas (conservation easements, wetlands, streams, open space) must be marked off with clearly visible fencing prior to site disturbance. These areas must also be clearly labeled on all copies of the SWP3. *LCSWCD*
15. Jordan Creek is one of the most heavily urbanized watersheds in the township. Extra care must be given when disturbing soils and crossing streams because of the impacts that can be compounded downstream. *LCSWCD*
16. The site will be required to obtain an Erosion and Sediment Control Plan approval for the site under the Lake County Erosion and Sediment Control Rules. *LCSWCD*
17. This permit number must be shown on the site plans. *LCSWCD*

Proposed Improvement Plan Comments

1. Streets and fire hydrants must be installed and operational prior to the start of construction of structures. Concord Township Fire Prevention to be notified to all scheduled flushing and 2 hour hydrostatic testing of underground piping and fire hydrants for the purpose of auditing of these procedures. *Concord Twp. Fire Dept.*
2. Street name signs and "NO PARKING HYDRANT SIDE OF STREET" signs shall be provided and installed prior to the start of construction of any structure. Street signs shall be in accordance with the Ohio Fire Code Section 505.2. All contractors are to be instructed NOT to park on the hydrant side of the street during construction. *Concord Twp. Fire Dept.*
3. Building numbers and/or identification must be provided during all phases of construction of a structure. *Concord Twp. Fire Dept.*
4. The Illuminating Company has no cause to recommend approval be withheld. *The Illuminating Co./First Energy*
5. Current Rules and Regulations, effective January 1, 2015, no longer approve gravity basement sewer service. *L. C. Utilities*
6. Final approval could be forthcoming when a detailed set of construction plans are submitted to the Lake County Department of Utilities for review. *L. C. Utilities*
7. Potable water service to be provided by Painesville City per their "Franchise Agreement" with the Board of Lake County Commissioners. *L. C. Utilities*

8. Details for erosion and sediment control are currently being worked out with the developer and SWP3 engineer. *LCSWCD*
9. This site will be required to obtain an Ohio Environmental Protection Agency National Pollutant Discharge Elimination System (NPDES) permit for storm water management and erosion and sediment control. *LCSWCD*

Mr. Radachy said that Stipulation 1 states that Sublot 74's building envelope does not meet with the wetland setbacks required by Lake County Subdivision Regulations. The first 20 feet adjacent to a wetland is to be undisturbed and buildings and pavement must be located 35 feet from the wetland. They must move the building envelope in order to conform. Instead of having Sublot 74 near the open stream, it could be moved into the open space.

Mr. Radachy said Stipulation 2 states that land remaining in the name of Concord Ridge LLC, at the end of Lilly Lane, is too small. It is creating a partial street which is prohibited by the Lake County Subdivision Regulations. They will need to extend this road all the way to the property line or give the small piece to the neighbor. Mr. Radachy went on to state that Proposed Final Plat Comment 2 states that the Developer submitted a copy of the legal description and lot split plat. The Developer is proposing to property line adjust the remaining lands to the adjacent property owner.

Staff recommended the approval of Concord Ridge Subdivision, Phase 4 Final Plat & Improvement Plans.

Ms. Pesec asked how the stream was going to be crossed.

Mr. Radachy said they have to get approval from the Corp of Engineers to do a stream crossing. That will be part of their wetlands and stream permits. He did not know if it was going to be a culvert but it was not going to be a bridge. The wetlands delineation has been done. He thought the Corp had approved the location of the road. This had to be done before submitting the Final Plat.

Mr. Richard Summers with Concord Ridge Development addressed the Board. He said the Army Corp has been on site and they have approved the wetlands delineation that was prepared. They applied for a Nationwide Permit which allows a half-acre and under to be impacted. They expect that permit by February 7th. They are only impacting .488 acres of the entire 74 lots. It was designed as a Conservation Development to minimize the wetlands impact. As to the culvert, they will lay an elliptical culvert on its side. The Corp will require them to take it on the narrow side top to bottom. This allows the stream to fill in with silt approximately half way to keep the aquatic situation undisturbed. He thought it was a 35- foot piece of 48" by 76" elliptical pipe.

Mr. Brotzman asked if the stream flowed through without any impediment. Will there be a backup of water?

Mr. Summers said there will be no impediment. Approximately 30-40% of the pipe will have dirt, soil and rocks at the bottom. He said the capacity of the watershed has been calculated and was part of the Soil and Water Erosion Control Plan that was submitted for approval.

Mr. Radachy said the Improvement Plans will have to go through further study before being accepted by the County Engineer. They may not have looked at the watershed completely but they will, particularly since this is Jordan Creek. Number 15 of the Proposed Improvement Plan stipulations

that Soil and Water made was that Jordan Creek needs extra care because of the impact that could be compounded downstream. The Township may purchase several homes because of past flooding issues with Jordan Creek downstream from this Subdivision.

Mr. Brotzman asked if it was true that each new roof would add to the flow of Jordan Creek.

Mr. Radachy said each new roofline, concrete, and pavement would add to the flow of additional stormwater. But because this is a RCD, there is lots of open space to reduce that situation.

Mr. Summers said the water retention basin for the subdivision has been built. They calculate the water for a 100-year storm and they have to design to that. There cannot be a discharge that is greater than pre-development. So there is a 2.3 acre lake that is 16 feet deep and water should not go out any faster than pre-development. They had to tie to the storm sewer.

Mr. Brotzman asked how the property that is up against Lilly Drive will not be used as ingress/egress.

Mr. Radachy said the property will be vacant. There is no requirement to block it off.

Mr. Summers said that in the previous two stubs in the Subdivision, they were required to install posts to keep dump trucks from backing into there. It is intended to keep that wooded.

Mr. Radachy directed attention to look between sublots 40 and 41 and between 42 and 43. These are yard drain easements. There will be a catch basin between each of these sublots. The stormwater system is supposed to be designed to catch runoff from the houses. Soil and Water will take a conservation easement once everything is platted. The Homeowners Association will still own the land.

Mr. Summers said the conservation easement will be enforced by Soil and Water rather than a Homeowner's Association. Whenever someone buys a home, they will receive a letter informing them of the easement and they will pay a stewardship fee up front.

Mr. Radachy recommended approval.

Mr. Siegel moved and Ms. Hausch seconded the motion to approve Concord Ridge Subdivision, Phase 4 Final Plat & Improvement Plans in Concord Township with 10 Proposed Final Plat Stipulations, 4 Proposed Final Plat Comments, 17 Proposed Improvement Plan Stipulations, and 9 Proposed Improvement Plan Comments.

All voted "Aye".

SUBDIVISION ACTIVITY REPORT

Mr. Radachy reported on the following subdivisions:

- Concord Ridge Phases 2 and 3 are going into maintenance on January 29th. The Plats will be signed by one of the officers and it will be sent to the Prosecutor for review and approval. Then it will go to the Commissioners for final approval.

- Concord Ridge RCD was reapproved. They approved the road layout for Phase 4 and they reduced the length of the remaining two cul-de-sacs.
- Mountainside Farms Phase 5 is going to the Prosecutor for review.
- Orchard Springs Phase 2 has a Plat that will expire in April. The developer is having issues with connection to Colburn Road because of a stream issue with Ellison Creek. These issues may force a change in the plat and require reapproval.
- Stoneridge Estates has a new layout that was approved by the Township Trustees. They will be resubmitting the Plat for Phase 1A as Phase 1. The sanitary sewer had to be realigned by NOACA. There is new lot configuration. The gas well on the north side of the property closer to Cali Woods will be capped because it is not producing enough.
- Summerwood Phase 4 has a Plat that may be refiled in the next couple of weeks.

LAND USE AND ZONING REVIEW

Madison Township – Text Amendments to the following sections:

- 109.7-Parking Requirements
- 110.7-Off-Street Parking Requirements
- 114.3-Permitted Use Table
- 123.3-Applicability
- 127.5.1-Parking Table
- 128.2-Commercial Districts P-1, B-1, B-2 and B-3
- 142.7.2-Trailers Used as Storage Units as a Conditional Use
- 143-Amendments or Supplements
- 145–Violation and Penalties

Mr. Radachy said that since this submission was so brief it did not warrant a Land Use and Zoning meeting. He presented the following proposed changes:

1. Amendment Summary

- Removing reference to “Cross reference 127.1.22” from Sections 109.7 and 110.7.
- Adding Motor Vehicle Salvage Facility as a conditional use.
- Removing the number “two” from the number of conditions that need to be adhered to in the Riparian Setback Section.
- Requiring one visitor space per every two multi-family units in Section 127.5.1.
- A reference that B-3 District has been created is being added to Section 128 Signs.
- A reference that a trailer can be used as a storage unit in B-3 is being added to Section 142.7.2 (Trailers as a Conditional Use).
- Section 143 is being modified to make it more user friendly and in compliance with ORC.
- Increasing the fines in Section 145 from \$5.00 to \$50 on the minimum side and from \$100 to \$500 on the maximum side.

2. Relevance to Comprehensive Plan

- These regulations are not addressed by the Madison Township Comprehensive Plan.

3. Staff Comments

- Section 127.1.22 no longer exists.
- There are more than two conditions in Section 123.3. The number of conditions that need to be adhered to will no longer be referenced.
- The revision to the parking increases the visitor parking.
- The reference shows that a new district, B-3, that will require compliance with the sign regulations.
- Section 143.8 Petition for Zoning Referendum Section is referencing the ORC word for word. Staff would recommend that the term "or amendment to the zoning resolution" after the line "A proposal to amend the zoning map..." should be added to show it can be used for a text amendment.
- The paragraph starting with "Within five working days after an amendment..." has to deal with the requirement that the Township Trustees are required to record a zoning amendment and not about election fraud which it is currently attached to. This section is word for word from the ORC, but Staff would recommend creating a new section entitled "Recording of Amendments".

Staff recommend approval with the following changes:

- Add the term "or amendment to the zoning resolution" after the line "A proposal to amend the zoning map..." in section 143.8
- Make recording of amendments their own section and renumber.

Ms. Pesec moved and Mr. Siegel seconded the motion to accept the recommendation of staff and recommend approval of the Madison Township text amendments.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEES

The Coastal Plan Committee

Mr. Radachy said the Coastal Plan Committee will meet February 25, 2015.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

Mr. Radachy said there was no old business.

NEW BUSINESS

Mr. Radachy presented a resolution for Mr. Robert E. Aufuldish thanking him for serving on the Planning Commission and congratulating him on his retirement.

Mr. Siegel moved and Brotzman seconded the motion to approve the Resolution of Appreciation for Mr. Aufuldish.

All voted "Aye".

PUBLIC COMMENT

Mr. Radachy reported that Evelyn Ross, who served on the Land Use and Zoning Committee since 1994, passed away. She was the Leroy Township Zoning Secretary and contributed immensely to land use and zoning issues.

ADJOURNMENT

Mr. Siegel moved and Mr. Welch seconded the motion to adjourn the meeting.

All voted "Aye".

The meeting adjourned at 6:38 p.m.